

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

ELTON WILLIAMS,

Plaintiff,

v.

COST U LESS, INC. & SCOTT  
RAMSEY,

Defendant.

CIVIL NO. 2011/025

**ACTION FOR DAMAGES**

JURY TRIAL DEMANDED

**COMPLAINT**

**COMES NOW** Plaintiff, ELTON WILLIAMS, by and through undersigned counsel, and files her Complaint against Defendants COST U LESS, INC. & SCOTT RAMSEY, and alleges the following:

1. This Court has jurisdiction based on the diversity of citizenship of the parties and the fact that the amounts in controversy exceeds the sum of \$75,000.00.
2. Plaintiff Elton Williams is a citizen of the United States Virgin Islands.
3. Defendant Cost-U-Less, Inc, is a corporation incorporated in Washington D.C. which does business in the United States Virgin Islands.
4. Defendant Scott Ramsey is a citizen of Ohio.
5. Plaintiff was an employee of Defendant Cost U Less, Inc who was terminated in mid 2006.

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6. Unbeknownst to Plaintiff, in about mid 2006, Scott Ramsey on behalf of Defendants falsely reported to the police that Plaintiff had been caught on video surveillance cameras stealing a flat screen TV from Cost U Less, Inc.
7. Defendants fired Plaintiff in mid 2006 and also refused to pay him for his last two weeks pay in violation of the Virgin Islands Minimum Wage Law. The Defendants falsely represented to the Plaintiff that the checks were withheld upon the instructions of the FBI as evidence.
8. Plaintiff was arrested as a result of those knowingly false charges on November 22, 2008.
9. As a result, he was incarcerated for twelve (12) days, finger printed, booked, his name appeared in the newspaper as being arrested for possession of stolen property and released on bail and under his father's care. He had to check in to the Probation Office every Tuesday and Thursday.
10. As a result of the arrest, Plaintiff lost his employment at Office Max and was out of work for six (6) months.
11. As a result, Plaintiff lost his apartment and was evicted.
12. In addition, the Defendants continually harassed, stalked and tormented the Plaintiff to include:
  - a. Being present when he was finally let out on bail and going to the car he was in and leaning in the window and glaring at Plaintiff and cursing and screaming at him;
  - b. Stalking Plaintiff and finding him at Pizza Hut and publicly glaring at him and invading his personal space on December 12, 2008;

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- c. Finding Plaintiff later on December 12, 2008 and approaching the vehicle Plaintiff was in and looking at him with a screwed face;
  - d. On April 14, 2009, going to Court and stating publicly that the Plaintiff was a thief and voicing other derogatory statements and;
  - e. Seeing Plaintiff at probation and preventing the Plaintiff from entering the door by blocking his entrance, glaring at Plaintiff, smiling nastily at the Plaintiff then waiting for him in the parking lot and threatening Plaintiff and using menacing body language.
- 13. Upon information it was not until April 14, 2009, that the video discs that Defendants had falsely represented showed Plaintiff stealing the TV were reviewed.
- 14. When they were reviewed they verified that Cost-U-Less, Inc had falsely said Plaintiff was seen stealing when in reality they showed no such thing and showed nothing at all about a TV being stolen.
- 15. The charges were finally dismissed with prejudice against the Plaintiff on January 4, 2010.
- 16. The actions of the Defendants were outrageous and done with a reckless disregard for the rights of the Plaintiff.
- 17. As a result of the actions of the Defendants, Plaintiff suffered physical and psychological injuries, loss of income, loss of capacity to earn income, mental anguish, pain and suffering and loss of enjoyment of life, all of which are expected to continue into the foreseeable future.

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**COUNT I**

18. The Plaintiff hereby adopts by reference each and every allegation in paragraphs 1 through 17 as if fully set out herein.
19. The actions of the Defendants constitute false imprisonment.
20. As a result, the Plaintiff has been damaged as alleged herein.

**COUNT II**

21. The Plaintiff hereby adopts by reference each and every allegation in paragraphs 1 through 20 as if fully set out herein.
22. The actions of Defendants constitute malicious prosecution and or abuse of process.
23. As a result, Plaintiff has a criminal arrest record.
24. As a result, the Plaintiff has been damaged as alleged herein.

**COUNT III**

25. The Plaintiff hereby adopts by reference each and every allegation in paragraphs 1 through 24 as if fully set out herein.
26. The actions of Defendants constitute defamation per se.
27. As a result, the Plaintiff has been damaged as alleged herein.

**COUNT IV**

28. The Plaintiff hereby adopts by reference each and every allegation in paragraphs 1 through 27 as if fully set out herein.
29. The actions of the Defendant Cost -U-Less, Inc constitute a violation of the VI Minimum Wage Law.

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30. As a result, Plaintiff is entitled to his pay, interest and other damages.

**COUNT V**

31. The Plaintiff hereby adopts by reference each and every allegation in paragraphs 1 through 30 as if fully set out herein.
32. The actions of Defendants constitute intentional infliction of emotional distress.
33. As a result, the Plaintiff has suffered damages as alleged herein.

**COUNT VII**

34. The Plaintiff hereby adopts by reference each and every allegation in paragraphs 1 through 33 as if fully set out herein.
35. The actions of the Defendants constitute fraud.
36. As a result, the Plaintiff has suffered damages as alleged herein.

**COUNT VIII**

37. The Plaintiff hereby adopts by reference each and every allegation in paragraphs 1 through 36 as if fully set out herein.
38. The actions of Defendant Cost-U-Less, Inc constitute a breach of its duty of good faith and fair dealing.
39. As a result, the Plaintiff has been damaged as alleged herein.

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WHEREFORE, Plaintiff prays for damages compensatory and punitive as they may appear, costs and fees, pre and post judgment interest and such other relief as this court finds fair and just.

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Attorneys for Plaintiffs

DATED: March 25, 2011

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